

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>LEWIS BRISBOIS BISGAARD &amp; SMITH, LLP  AMY L. GOLDMAN, SBN 134088  Amy.Goldman@lewisbrisbois.com  MARIA L. GARCIA, SBN 276135  Maria.L.Garcia@lewisbrisbois.com  633 West 5<sup>th</sup> Street, Suite 4000  Los Angeles, CA 90071  Tel.: 213.250.1800  Fax: 213.250.7900</p> <p><input type="checkbox"/> Individual appearing without attorney  <input checked="" type="checkbox"/> Attorney for: Chapter 7 Trustee Karl T. Anderson</p>	<p>FOR COURT USE ONLY</p>
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UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA – RIVERSIDE DIVISION

<p>In re:</p> <p>MALCOLM OWENS,</p> <p>Debtor(s).</p>	<p>CASE NO.: 6:18-bk-19327-WJ  CHAPTER: 7</p> <p><b>NOTICE OF SALE OF ESTATE PROPERTY</b></p>
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<p><b>Sale Date:</b> October 20, 2020</p>	<p><b>Time:</b> 1:00 p.m.</p>
<p><b>Location:</b> Courtroom 304, 3420 Twelfth Street, Riverside, CA 92501-3819</p>	

Type of Sale:  Public  Private Last date to file objections: October 6, 2020

**Description of property to be sold:** the title and interest of the Debtor and his company MOD Solutions, in the real property commonly known as 8633 Grandbury Place, Cordova, TN 38016 ("Cordova Property") for an all cash purchase of \$155,500.00 ("Purchase Price") to Cisiro Perry ("Buyer"), or a successful overbidder on the terms set forth in the sale documents attached to the Motion (collectively, "Purchase Agreement") on an "as is" "where is" basis.

**Terms and conditions of sale:** please see Attachment to this Notice

**Proposed sale price:** \$155,500 subject to overbids

Overbid procedure (if any): please see Attachment to this Notice

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If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

October 20, 2020 at 1:00 p.m.

United States Bankruptcy Court

Courtroom 304

3420 Twelfth Street

Riverside, CA 92501-3819

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Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Maria L. Garcia

Lewis Brisbois Bisgaard & Smith, LLP

633 West 5<sup>th</sup> Street, Suite 4000

Los Angeles, CA 90071

Tel.: 213.250.1800

Fax: 213.250.7900

Email: [Maria.L.Garcia@lewisbrisbois.com](mailto:Maria.L.Garcia@lewisbrisbois.com)

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Date: 09/24/2020

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## ATTACHMENT

### A. Terms and Conditions of Sale:

- a. The Trustee agreed to sell to the proposed buyer Cisiro Perry ("Buyer") or to a successful overbidder approved by the Trustee and the Court, on the terms set forth in the sale documents (collectively, "Purchase Agreement") attached to the Motion, the title and interest in the Debtor's real property located at 8633 Grandbury Place, Cordova, TN 38016 ("Cordova Property") in exchange for the payment of \$155,500.00 ("Purchase Price") in an all cash transaction. The Trustee is able to sell the Cordova Property pursuant to the settlement agreement entered into between the Trustee, on the one hand, and the Debtor and his company MOD Solutions, on the other hand.
- b. The sale is on an "as is" and "where is" basis, without any representation or warranty whatsoever except that the Cordova Property is being sold free and clear of certain claims, liens, encumbrances and interests pursuant to 11 U.S.C. § 363(f). FC Mid America ("Mid America") holds the senior lien on the Cordova Property in the estimated sum of \$78,701.38. Shelby County and the City of Memphis both have a tax lien on the Cordova Property totaling \$24,396.96. The Trustee requests that the Cordova Property be sold free and clear of these liens pursuant to 11 U.S.C. § 363(f).
- c. An earnest money deposit in the sum of \$2,000.00 ("Earnest Money Deposit") has been delivered to Re/Max Experts. If the Buyer is not the successful purchaser or if the sale to the Buyer is not approved by the Bankruptcy Court, the Earnest Money Deposit will be fully refunded to Buyer. If Buyer is the successful purchaser but fail to close, the Earnest Money Deposit becomes non-refundable.
- d. The sale of the Cordova Property is subject to an overbid procedure described below to be approved by the Bankruptcy Court.
- e. The Motion seeks a finding of a good faith purchaser within the meaning of 11 U.S.C. § 363(m).
- f. The Motion seeks authorization for the payment of a 7% brokers' commission to Re/Max pursuant to 11 U.S.C. § 328, all necessary cost of sale, and the flat fee to Lido Pacific Asset Management. Both Re/Max and Lido Pacific have been authorized to serve as the real estate agent in the case. No commission shall be due and payable except from the cash proceeds from the sale and upon closing of such sale. The Trustee believes the brokers' commission is fair and reasonable. Trustee is informed and believes there is minimal tax liability to the estate as a result of the sale if any.
- g. The Motion seeks a waiver of the 14-day stay pursuant to Fed. R. Bankr. Proc. 6004(h).

### B. Overbid Procedure:

- a. **Overbid Requirements.** Any party wishing to participate in the overbid process must notify the Trustee or the Trustee's professionals of his/her/its intention to do so no later than three (3) calendar days before the hearing on the Motion. Each party participating in the overbid process (except for the Buyer who paid the Earnest Money Deposit) must remit to the Trustee, prior to the hearing on the Motion, a deposit in the form of a cashier's check or money order made payable to the Trustee, solely in his capacity as Chapter 7 Trustee, in the amount of \$2,000. The deposit shall not be refundable if such party is the successful bidder and is thereafter unable to complete the purchase of the property per the terms of the proposed sale after entry of an order approving this Motion.
- b. **Bidding At Sale.** Each party or their authorized representative (including the Buyer) must be present either by video or telephonically at the hearing on the Motion in order to participate in the overbid process pursuant to the Court's directive. Any initial overbid for the Property must be in an amount not less than \$160,500 (i.e., \$5,000 more than the Purchase Price). Subsequent minimum bid increments shall be set at not less than \$5,000. Any party participating in the overbid process shall not be precluded from continuing to make bids after initially passing his/her/its turn or turns to overbid.
- c. **Closing of Sale and Forfeiture of Deposits.** The successful bidder must pay the full amount of the

successful bid to the Trustee within fifteen (15) calendar days after the entry of an order granting the Motion. In the event that the Buyer is not the successful bidder of the Cordova Property, the successful bidder shall then become the buyer under the same terms and conditions as set forth in the Purchase Agreement and shall waive all contingencies regarding the purchase of the Cordova Property. Furthermore, if the successful bidder cannot deliver the balance of the overbid sale price within fifteen (15) calendar days after the entry of an order granting the Motion, the Trustee shall be authorized to accept the offer made by the next highest bidder and the successful bidder's deposit shall be non-refundable.

- d. **Backup Bidder.** The qualified bidder who submits the second best/highest bid for the Property may be designated as the backup bidder. If the successful bidder cannot deliver the balance of the overbid sale price within fifteen (15) calendar days after the entry of an order granting the Motion, the Trustee shall be authorized to accept the offer made by the next highest bidder and the successful bidder's deposit shall be non-refundable.

In the event the Bankruptcy Court enters an order that authorizes the sale to another bidder and the Buyer are not a backup bidder, the Trustee shall refund the entire Earnest Money Deposit to the Buyer within ten (10) calendar days following entry of such order of the Bankruptcy Court. In the event the backup bidder cannot deliver the balance of the overbid sale price within fifteen (15) calendar days after written notice from the Trustee, the backup bidder's deposit shall be non-refundable.

In the event the Buyer are not the winning bid but are the backup bidder, the Trustee shall refund the entire Earnest Money Deposit to the Buyer only if the sale closes to the winning bidder and within ten (10) calendar days following such closing.

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**PROOF OF SERVICE OF DOCUMENT**

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 633 W. 5<sup>th</sup> Street, Suite 4000, Los Angeles, CA 90071.

A true and correct copy of the foregoing document described as: **NOTICE OF SALE OF ESTATE PROPERTY**, will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

**I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On September 25, 2020, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

Karl T Anderson (TR) 2edansie@gmail.com, kanderson@ecf.axosfs.com  
Maria L Garcia Maria.L.Garcia@lewisbrisbois.com  
Christopher Hewitt hewittesq@yahoo.com  
Nancy L Lee bknotice@mccarthyholthus.com, nlee@ecf.courtdrive.com  
Megan E Lees caecf@tblaw.com  
Lovee D Sarenas lovee.sarenas@lewisbrisbois.com  
United States Trustee (RS) ustregion16.rs.ecf@usdoj.gov

Service information continued on attached page

**II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL** (indicate method for each person or entity served):

On September 25, 2020, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

Service information continued on attached page

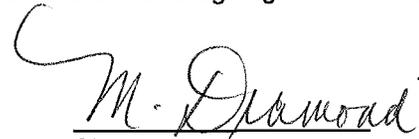
**III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR E-MAIL** (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on September 25, 2020 I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method) by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.*

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

September 25, 2020  
Date

Marion Diamond  
Type Name

  
Signature

**SERVICE LIST**  
**In re Malcolm Owens**  
**Case No. 6:18-bk-19327-WJ**

**BY U.S. MAIL:**

**DEBTOR:**

Malcolm Owens  
25320 Maroon Creek Court  
Moreno Valley, CA 92551-2429

**THE HONORABLE WAYNE E. JOHNSON:**

United States Bankruptcy Court  
Central District of California  
Riverside Division  
3420 Twelfth Street, Suite 384  
Riverside, CA 92501-3819

**BUYER:**

Cisiro Perry  
3673 South 3<sup>rd</sup> Street  
Memphis, TN 38109

**ATTORNEY FOR MID-AMERICA:**

Steve Hughes, Esq.  
P.O. Box 320  
1026 College Street, Suite 201  
Milan, TN 38358

**TANESHA BERGER:**

Tanesha Berger  
6000 Poplar Avenue, Suite 100  
Memphis, TN 38119

**LIDO PACIFIC ASSET MANAGEMENT:**

Lido Pacific Asset Management  
c/o Richard Halderman, Jr.  
3857 Birch Street, Suite 480  
Newport Beach, CA 92660

Richard Halderman, Jr.  
4000 Birch Street, Suite 113  
Newport Beach, CA 92660

**RE/MAX:**

Re/Max  
1930 Exeter Road  
Germantown, TN 38138

**OCWEN LOAN SERVICING, LLC:**

Ocwen Loan Servicing, LLC  
P.O. Box 24738  
West Palm Beach, FL 33416-4738

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**THE HONORABLE WAYNE JOHNSON:**

United States Bankruptcy Court  
Central District of California  
Riverside Division  
3420 Twelfth Street, Suite 384  
Riverside, CA 92501-3819

**BY EMAIL:** [lidopacmgt@aol.com](mailto:lidopacmgt@aol.com)

Richard Halderman  
4000 Birch Street, Suite 113  
Newport Beach, CA 92660

**CREDITORS:**

Bank of America  
Attn: Bankruptcy  
P.O. Box 982238  
El Paso, TX 79998

Capital One Bank (USA) N.A.  
By American InfoSource as Agent  
P.O. Box 71083  
Charlotte, NC 28272-1083

City of Memphis  
P.O. Box 185  
Memphis, TN 38101

Regina Morrison Newman  
Shelby County Trustee  
Trustee's Office  
157 Poplar Avenue, Suite 200  
Memphis, TN 38103

FC Midamer  
1601 Ups Drive  
Louisville, KY 40232  
**(service attempted – mail returned)**

Franchise Tax Board  
P.O. Box 942867  
Sacramento, CA 94267

ILWU Credit Union  
P.O. Box 445  
Wilmington, CA 90748

John Patrick Black  
Tax Collector  
P.O. Box 185  
Memphis, TN 38101

Capital One  
Attn: Bankruptcy  
P.O. Box 30285  
Salt Lake City, UT 84130

Christopher Hewitt  
Law Offices of Christopher Hewitt  
74361 Highway 111, Suite 7  
Palm Desert, CA 92260-4125

Credit One Bank  
Attn: Bankruptcy  
P.O. Box 98873  
Las Vegas, NV 89193

Employment Development Department  
Bankruptcy Group MIC 92E  
P.O. Box 826880  
Sacramento, CA 94280-0001

Franchise Tax Board  
Bankruptcy Section MS A340  
P.O. Box 2952  
Sacramento, CA 95812-2952

Franklin Collection Service, Inc.  
Attn: Bankruptcy  
P.O. Box 3910  
Tupelo, MS 38803

Internal Revenue Service  
Centralized Insolvency Operations  
P.O. Box 7346  
Philadelphia, PA 19114

Marlinee Clark Iverson  
County Attorney  
County Attorney's Office, Shelby County, TN  
160 North Main Street, Suite 950  
Memphis, TN 38103

Merrick Bank/CardWorks  
Attn: Bankruptcy  
P.O. Box 9201  
Old Bethpage, NY 11804

Merrick Bank  
Resurgent Capital Services  
P.O. Box 10368  
Greenville, SC 29603-0368

Mr. Cooper  
Attn: Bankruptcy  
8950 Cypress Waters Boulevard  
Coppell, TX 75019

PYOD, LLC  
Resurgent Capital Services  
P.O. Box 19008  
Greenville, SC 29602  
**(service attempted – mail returned)**

Real Time Resolutions  
1349 Empire Control  
Dallas, TX 75247

Real Time Solutions, Inc.  
1349 Empire central Drive, Suite 1  
Dallas, TX 75247-4029

Shelby County Trustee  
P.O. Box 2751  
Memphis, TN 38101

The Bank of New York Mellon fka The Bank of  
1230 Columbia Street, Suite 680  
San Diego, CA 92101-8502  
**(service attempted – mail returned)**

United States Trustee (RS)  
3801 University Avenue, Suite 720  
Riverside, CA 92501-3255

U.S. Department of the Treasurer  
1500 Pennsylvania Avenue, N.W.  
Washington, DC 20220

Wilmington Trust, NA  
c/o McCarthy & Holthus LLP  
411 Ivy Street  
San Diego, CA 92101-2108